

PROB 12C
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AUG 25 2008

United States District Court

for

Southern District of Ohio

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: **Michael Jay Green** Case Number: **1:02CR00144**

(Current address: 3242 Whitefield, Apartment E2, Cincinnati, Ohio 45219)

Name of Sentencing Judicial Officer: **The Honorable Susan J. Dlott, United States District Judge**Date of Original Sentence: **April 18, 2003**Original Offense: **Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)**Original Sentence: **37 months in prison, 36 months of supervised release**Type of Supervision: **Supervised Release**Date Supervision Commenced: **November 28, 2005**Assistant U.S. Attorney: **Timothy D. Oakley**Defense Attorney: **C. Ransom Hudson**

PETITIONING THE COURT

- ☐ To issue a warrant
☒ To issue an Order to Appear and Show Cause and toll supervised release.
☐ To grant an exception to revocation without a hearing.

Violation NumberNature of Noncompliance

#1

Standard Condition: You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.

Green submitted urine samples that tested positive for marijuana on the following dates: March 13, 2008; March 20, 2008; March 27, 2008; May 1, 2008; May 22, 2008; and June 26, 2008. Furthermore, on July 30, 2008, Green was convicted of Possession of Marijuana in Hamilton County Municipal Court. He possessed the marijuana on February 27, 2008.

#2

Standard Condition: You shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.

On June 4, 2008, Green was cited by the Cincinnati Police Division for Driving Under Suspension and Improper Signal. Green failed to report this contact with law enforcement to this officer within 72 hours. This officer learned of these citations during a routine record check. These charges are pending in Hamilton County Municipal Court.

#3

Standard Condition: You shall not commit another Federal, state, or local crime and shall not illegally possess a controlled substance.

On July 30, 2008, Green was convicted of Possession of Marijuana in Hamilton County Municipal Court in case number 08/CRB/6426.

U.S. Probation Officer Recommendation: Pursuant to 18 U.S.C. §§ 3583(g)(1) and (4), a mandatory revocation is applicable because Green possessed a controlled substance and tested positive for marijuana more than three times over the course of one year. Thus, it is respectfully recommended that Green appear before the Court for a revocation hearing.

The term of supervision should be

- ☒ Revoked.
☐ Extended for years, for a total term of years.
☐ Continued based upon the exception to revocation under 18 USC 3563(e) or 3583(d)
☐ The conditions of supervision should be modified as follows:

I declare under penalty of perjury that
the foregoing is true and correct.

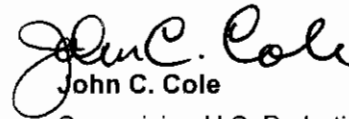
Executed on August 18, 2008

by



Mark R. Grawe
U.S. Probation Officer

Approved,



John C. Cole
Supervising U.S. Probation Officer
Date: August 18, 2008

THE COURT ORDERS:

- ☐ No Action
☐ The Court finds that there is probable cause to believe the defendant has violated the conditions of his supervised release and orders the Issuance of a Warrant for his arrest.
☒ The Issuance of an Order to Appear and Show Cause and tolls supervised release.
☐ The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions.
☐ Other



Signature of Judicial Officer

Date

8/28/08